

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, STATE OF CALIFORNIA, COMMONWEALTH OF MASSACHUSETTS, STATE OF COLORADO, STATE OF CONNECTICUT, STATE OF DELAWARE, DISTRICT OF COLUMBIA, STATE OF HAWAII, STATE OF ILLINOIS, STATE OF MAINE, STATE OF MARYLAND, STATE OF MICHIGAN, STATE OF MINNESOTA, STATE OF NEVADA, STATE OF NEW JERSEY, STATE OF NEW MEXICO, STATE OF NORTH CAROLINA, STATE OF OREGON, COMMONWEALTH OF PENNSYLVANIA, STATE OF RHODE ISLAND, STATE OF VERMONT, COMMONWEALTH OF VIRGINIA, and STATE OF WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX M. AZAR II, *in his official capacity as Secretary of the United States Department of Health and Human Services*; and UNITED STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 1:20-CV-05583-AKH

**AFFIDAVIT OF MARTINE N.  
D'AGOSTINO IN SUPPORT OF  
MOTION FOR ADMISSION PRO HAC  
VICE**

I, Martine N. D'Agostino, being duly sworn, hereby declare as follows:

1. I am an attorney licensed by the State of California. I am employed as a Deputy Attorney General with the Office of the Attorney General, and serve as counsel of record for plaintiff State of California in this matter.

2. I submit this affidavit in support of my motion for admission to practice Pro Hac Vice in the above-captioned matter on behalf of Plaintiff State of California.

3. As shown in the Certificate of Good Standing attached here as Exhibit A, I am a member in good standing of the Bar of California.

4. There are no pending disciplinary proceedings against me in any state or federal court.

5. I have not been convicted of a felony.

6. I have not been censured, suspended, disbarred, or denied admission or admission by any court.

7. I respectfully request that I be permitted to appear as counsel and advocate Pro Hac Vice in this one case for Plaintiff State of California.

I declare under the penalty of perjury under the laws of the United States and California that the foregoing is true and correct.

Executed in Oakland, California on July 24, 2020.

By: Martine D'Agostino  
Martine N. D'Agostino  
Deputy Attorney General  
Office of the California Attorney General  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612  
(510) 879-0292

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

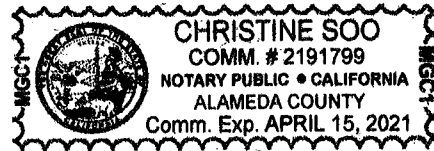
State of California  
County of Alameda

On July 24, 2020 before me, Christine Soo, Notary Public  
(insert name and title of the officer)

personally appeared Martine Noel D'Agostino  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Christine Soo (Seal)

# EXHIBIT A



# Supreme Court of California

JORGE E. NAVARRETE

*Clerk and Executive Officer of the Supreme Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

### MARTINE NOEL D'AGOSTINO

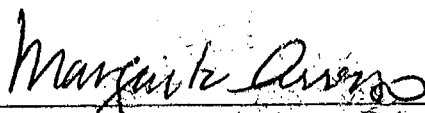
*I, JORGE E. NAVARRETE, Clerk/Executive Officer of the Supreme Court of the State of California, do hereby certify that **MARTINE NOEL D'AGOSTINO**, #256777, was on the **9th day of JUNE, 2008**, duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court  
on the **22nd day of JULY, 2020**.*

JORGE E. NAVARRETE

*Clerk/Executive Officer of the Supreme Court*

By:

  
Margarita Arroyo, Assistant Deputy Clerk